

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Howard Lincecum

Atty Doc. #: 94478-00

Serial No.: 09/775,451

Examiner: Aughenbaugh, W.

Filed: 02/01/01

Group: 1772

For: Three-Layer Furniture Bag

DECLARATION OF RONALD A. MASON

I, Ronald A. Mason, declare as follows:

I am the Chief Operating Officer for Mid South Extrusion, Inc. ("Mid South"), the licensee of the polymer film bag claimed in the above referenced application. I am an industrial engineer and have been working in the polymer film industry for 12 years.

Mid South has been marketing for over one year from the below date a polymer film bag which has an outside surface with a COF ("COF") of between 0.3 and 0.6 and an inside surface with a COF of between 0.125 and 0.275.

This polymer film bag is sold to and used by manufacturers and shippers of furniture, mattresses, and like items (generally referred to herein as "furniture") as a cover to protect the furniture during shipping and storage. For either transportation or storage, a furniture item in the polymer film bag will typically be positioned adjacent to or stacked with (i.e. in contact with) other furniture items in polymer film bags. When any single furniture item is removed from the collection of furniture items, it is inevitable that the outer surface of two or more polymer film bags will have to slide against one another. Because of the weight of many furniture items, considerable frictional forces may be exerted on the polymer film bags.

Based upon the feedback I have received from many manufacturers and shippers to whom Mid South supplies the polymer film bags, I am familiar with properties the polymer film bags must have to be acceptable to these manufacturers and shippers and thus, what properties the polymer film bags must have in order to be a commercially viable product in the furniture

manufacturing and shipping industry. Because the outer surface of the polymer film bags will slide against one another when items of furniture are stored and transported, the outer surfaces cannot have too high a COF. If the COF of the outer surfaces are too high, the surfaces of adjacent polymer film bags will adhere too strongly to one another and tear. Of course, the tearing of the bag then exposes the furniture item inside to damage.

Based upon my experience and the feedback I have received from furniture manufacturers and shippers, I am aware that a polymer film bag with an outer surface COF significantly greater than 0.6, which is used as a furniture bag, would result in an incidence of bag tearing which is generally not acceptable. The unacceptable nature of such a bag becomes very clear as the COF of the outer surface approaches 0.8. When employing polymer film bags as furniture bags, a bag with an outside surface COF of 0.6 has very different properties from a bag with an outside surface COF of 0.8. Nor would a person of ordinary skill in the art expect furniture bags having these very different COF's to have similar properties.

All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


(Signature)

12-30-02
(date)